

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION NO : 11774 of 2001

Between:

M.Yadagiri S/o Uppalaiah, R/o Husnabad,
Karimnagar District,.

..... PETITIONER

AND

1. The Executive Officer,
Husnabad Gramapanchayat, Husnabad,
Karimnagar District.
2. The District Panchayat Officer,
Karimnagar.
3. The Executive Engineer,
PWD & (R & B), Karimnagar.
4. Kondi Madhavi W/o Mallesham
C/o Maheswara Photo Studio Opp. Bus-stand Husnabad
Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or direction or writ under Article 226 of the Constitution of India, more particularly, one in the nature of Writ of Mandamus declaring the action of respondent Nos. 1 to 3 in not taking action against the fourth respondent to stop the illegal construction made by her by encroaching upon the road margin in an extent of 11 to 12 feet on Akkannapet (Hanamakonda) road in Sy.Nos.239 and 228/c of

Husnabad town , Karimnagar District by violating the approved plan, as bad ,illegal and arbitrary and consequently direct respondents Nos.1 to 3 to remove the illegal constructions made by the fourth respondent at the aforementioned site.

For the Petitioner: Mr.C.DAMODAR REDDY, Advocate.

(Not present)

For Respondent No.1: Mr.P.Raghavender Reddy

Standing Counsel for Gram Panchayats.

For Respondent Nos.2 &3: None appeared.

For Respondent No.4: V.Ramchander Rao, Advocate.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

We have waited for quite some time. Nobody has put in appearance on behalf of the petitioner.

On going through the contents of the petition, as also, the affidavit in reply and the report of the Advocate-Commissioner, it appears that this Petition is motivated one and is not in public interest. As per the report of the Advocate-Commissioner, to have access to the shop from the road, a staircase has been built protruding on to the road and this is a common feature of all the shops on the road. At the behest of the petitioner, no one can be singled out. We are informed that there is civil litigation pending. Accordingly, we dismiss this Writ Petition since the petitioner has not cared to put in appearance when the case was called for hearing. No costs.

DEVINDER GUPTA, C.J.

23.8.2004.

C.V.RAMULU, J.

VR

To

1. The Executive Officer,
Husnabad Gramapanchayat, Husnabad,
Karimnagar District.
2. The District Panchayat Officer,
Karimnagar.
3. The Executive Engineer,
PWD & (R & B), Karimnagar.
4. Two CD copies.